



#9/Sub Declaration
8-15-03
JG

Attorney Docket No.: GAY 2-009-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Kenneth F. Gay, et al.)
Serial No. 09/954,464) Examiner K. Tran
Filed: September 14, 2001) Group Art Unit 3634
For: Open Frame Shelf Assembly)

COMMISSIONER OF PATENTS
Alexandria, VA 22313-1450

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GROUP 3600

DECLARATION UNDER 37 CFR § 1.132

Kenneth F. Gay declares as follows:

- 1) That he is an inventor named in the above-identified application for United States patent;
- 2) That he is founder of the assignee of the instant invention, K'EFFS, Inc. of Columbus Ohio, a designer and manufacturer of retail display and warehousing support systems;
- 3) That he has been engaged in the design and manufacture of warehousing support and retail display systems for about the past forty-three years;
- 4) That he is an inventor named in United States Patent No's: 5,141,118; 5,299,698; 5,383,562; and 6,302,282 which are concerned with warehousing shelving systems and retail shelving systems;
- 5) That the above-identified application for United States patent as well as U. S. Patent No. 6,302,282 both stem from application for United States Patent No. 09/058,402 and are concerned with a "TriStrut" cantilevered tiltable shelving system;
- 6) That the aforesaid "TriStrut" shelving system was introduced to industry in 1998;
- 7) That the "TriStrut" shelving system which has been sold is fully described and claimed in the aforesaid application for United States patent and United States patent;
- 8) That the national retail chain, Sherwin Williams, utilizes the "TriStrut" shelving system exclusively for the display and presentation of caulk and sealant materials;
- 9) That the national retail chain, DAP, exclusively utilizes the "TriStrut" system for the display and presentation of its caulk and sealant products;
- 10) That the national retail organization, True Serve (True Value) utilizes the "TriStrut" shelving system for displaying and presenting its caulk and sealant products and purchases those products to the extent of about \$150,000 per year;
- 11) That the national retailing organization, York Wallpaper utilizes the "TriStrut" shelving system to display its wallpaper border products;

- 12) That the aforesaid utilization of the "TriStrut" system reveals its important commercial success in the retailing industry;
- 13) That all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18, and that such willful false statements may jeopardize the validity of the application or any document resulting therefrom.

Further Declarant sayeth naught.

Date

7-3-03


Kenneth F. Gay